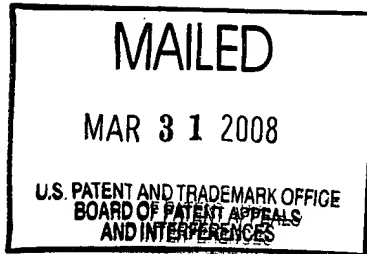


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JONATHAN R MERRIL

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Application 09/955,939

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on March 20, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Information Disclosure Statement (IDS) was filed on September 13, 2007. It is not apparent from the record whether the examiner considered the statement submitted or notified appellant regarding why his submission did

not meet the criteria set forth in 37 CFR §§1.97 and 1.98. A communication notifying appellant of the Primary Examiner's decision is required.

It should be noted that the Examiner's Answer mailed May 31, 2007 successfully addressed all of the deficiencies noted by the Order Returning Undocketed Appeal to Examiner mailed May 17, 2007.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for consideration of the IDS filed September 13, 2007, and appropriate notification to appellant of such consideration; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



DALE M. SHAW  
Chief Appeals Administrator  
(571) 272-9797

DMS:psb

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